



February 20, 2004

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## ENGROSSED HOUSE BILL No. 1301

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DIGEST OF HB 1301 (Updated February 19, 2004 8:47 am - DI 71)

**Citations Affected:** IC 9-18; IC 14-20; noncode.

**Synopsis:** Lewis and Clark; Riley Children's Foundation. Converts the Lewis and Clark bicentennial commission to a permanent commission. (Under current law the commission expires January 1, 2008.) Permits the commission to establish a nonprofit corporation to carry out the duties of the commission. Requires the bureau of motor vehicles to design and issue special group recognition license plates for the Lewis and Clark bicentennial and the Riley Children's Foundation Trust. Provides that a person who is eligible to register a vehicle may obtain a Lewis and Clark bicentennial license plate or a Riley Children's Foundation Trust license plate upon completing an application and paying the appropriate fee. Provides for the distribution of fees from the plates to the Lewis and Clark bicentennial commission and the Riley Children's Foundation Trust.

**Effective:** Upon passage; May 1, 2004.

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**Bottorff, Foley, Cochran, Pierce**

(SENATE SPONSORS — MERRITT, LEWIS, CLARK, SIPES)

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January 15, 2004, read first time and referred to Committee on Rules and Legislative Procedures.

January 26, 2004, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.

January 29, 2004, reported — Do Pass.

February 2, 2004, read second time, ordered engrossed.

February 3, 2004, engrossed.

February 5, 2004, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 10, 2004, read first time and referred to Committee on Transportation and Homeland Security.

February 19, 2004, amended, reported favorably — Do Pass.

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EH 1301—LS 7321/DI 47+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1301

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-18-15-1, AS AMENDED BY P.L.216-2003,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 MAY 1, 2004]: Sec. 1. (a) A person who is the registered owner or  
4 lessee of a:

- 5 (1) passenger motor vehicle;
- 6 (2) motorcycle;
- 7 (3) recreational vehicle; or
- 8 (4) vehicle registered as a truck with a declared gross weight of  
9 not more than:

10 (A) eleven thousand (11,000) pounds;  
11 (B) nine thousand (9,000) pounds; or  
12 (C) seven thousand (7,000) pounds;  
13 registered with the bureau or who makes an application for an original  
14 registration or renewal registration of a vehicle may apply to the bureau  
15 for a personalized license plate to be affixed to the vehicle for which  
16 registration is sought instead of the regular license plate.

17 (b) A person who:

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(1) is the registered owner or lessee of a vehicle described in subsection (a); and

(2) is eligible to receive a license plate for the vehicle under:

- (A) IC 9-18-17 (prisoner of war license plates);
- (B) IC 9-18-18 (disabled veteran license plates);
- (C) IC 9-18-19 (purple heart license plates);
- (D) IC 9-18-20 (Indiana national guard license plates);
- (E) IC 9-18-21 (Indiana guard reserve license plates);
- (F) IC 9-18-22 (license plates for persons with disabilities);
- (G) IC 9-18-23 (amateur radio operator license plates);
- (H) IC 9-18-24 (civic event license plates);
- (I) IC 9-18-25 (special group recognition license plates);
- (J) IC 9-18-29 (environmental license plates);
- (K) IC 9-18-30 (kids first trust license plates);
- (L) IC 9-18-31 (education license plates);
- (M) IC 9-18-32.2 (drug free Indiana trust license plates);
- (N) IC 9-18-33 (Indiana FFA trust license plates);
- (O) IC 9-18-34 (Indiana firefighter license plates);
- (P) IC 9-18-35 (Indiana food bank trust license plates);
- (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
- (R) IC 9-18-37 (Indiana boy scouts trust license plates);
- (S) IC 9-18-38 (Indiana retired armed forces member license plates);
- (T) IC 9-18-39 (Indiana antique car museum trust license plates);
- (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
- (V) IC 9-18-41 (Indiana arts trust license plates);
- (W) IC 9-18-42 (Indiana health trust license plates);
- (X) IC 9-18-43 (Indiana mental health trust license plates);
- (Y) IC 9-18-44 (Indiana Native American Trust license plates);
- (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates); or
- (AA) IC 9-18-46.2 (Indiana state educational institution trust license plates);
- (BB) IC 9-18-47 (Lewis and Clark bicentennial license plates); or**
- (CC) IC 9-18-48 (Riley Children's Foundation license plates);**

may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 2. IC 9-18-47 IS ADDED TO THE INDIANA CODE AS

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A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
PASSAGE]:

**Chapter 47. Lewis and Clark Bicentennial License Plates**

**Sec. 1.** The bureau shall design and issue a Lewis and Clark bicentennial license plate. The Lewis and Clark bicentennial license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

**Sec. 2.** After January 1, 2005, a person who is eligible to register a vehicle under this title is eligible to receive a Lewis and Clark bicentennial license plate under this chapter upon doing the following:

(1) Completing an application for a Lewis and Clark bicentennial license plate.

(2) Paying the fees under section 3 of this chapter.

**Sec. 3.** (a) The fees for a Lewis and Clark bicentennial license plate are as follows:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau.

(c) The annual fee described in subsection (a)(2) shall be deposited in the Lewis and Clark bicentennial fund established by section 4 of this chapter.

**Sec. 4.** (a) The Lewis and Clark bicentennial fund is established.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(d) The commissioner shall monthly distribute the money from the fund to the Lewis and Clark bicentennial commission established by IC 14-20-15.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 3. IC 9-18-48 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
PASSAGE]:

**Chapter 48. Riley Children's Foundation License Plates**

**Sec. 1.** The bureau shall design and issue a Riley Children's Foundation license plate. The Riley Children's Foundation license

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plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

**Sec. 2.** After January 1, 2005, a person who is eligible to register a vehicle under this title is eligible to receive a Riley Children's Foundation license plate under this chapter upon doing the following:

(1) Completing an application for a Riley Children's Foundation license plate.

(2) Paying the fees under section 3 of this chapter.

**Sec. 3. (a)** The fees for a Riley Children's Foundation license plate are as follows:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of twenty-five dollars (\$25).

(b) The annual fee described in subsection (a)(2) shall be collected by the bureau.

(c) The annual fee described in subsection (a)(2) shall be deposited in the Riley Children's Foundation trust fund established by section 4 of this chapter.

**Sec. 4. (a)** The Riley Children's Foundation trust fund is established.

(b) The treasurer of state shall invest the money in the Riley Children's Foundation trust fund not currently needed to meet the obligations of the Riley Children's Foundation trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Riley Children's Foundation trust fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The commissioner shall administer the Riley Children's Foundation trust fund. Expenses of administering the Riley Children's Foundation trust fund shall be paid from money in the Riley Children's Foundation trust fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the Riley Children's Foundation trust fund to the Riley Children's Foundation.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 14-20-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 15. Lewis and Clark Bicentennial Commission**

**Sec. 1.** As used in this chapter, "bicentennial" refers to the bicentennial of the Lewis and Clark expedition.

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1        **Sec. 2.** As used in this chapter, "commission" refers to the Lewis  
 2        and Clark bicentennial commission established by section 3 of this  
 3        chapter.

4        **Sec. 3.** The Lewis and Clark bicentennial commission is  
 5        established.

6        **Sec. 4.** The commission consists of the following members:

7            (1) Six (6) members of the house of representatives, to be  
 8            appointed by the speaker of the house of representatives. Not  
 9            more than three (3) members appointed under this  
 10          subdivision may be members of the same political party.

11          (2) Six (6) members of the senate, to be appointed by the  
 12          president pro tempore of the senate. Not more than three (3)  
 13          members appointed under this subdivision may be members  
 14          of the same political party.

15          (3) The governor or the governor's designee.

16          (4) The director of the department of natural resources or the  
 17          director's designee.

18          (5) One (1) employee of the department of commerce with  
 19          expertise in the tourism or film industry, to be designated by  
 20          the lieutenant governor.

21          (6) One (1) member of the Indiana historical society, to be  
 22          appointed by the governor.

23          (7) Three (3) Indiana citizens, to be appointed by the  
 24          governor. Not more than two (2) members appointed under  
 25          this subdivision may be members of the same political party.

26        **Sec. 5.** The governor or the governor's designee shall act as the  
 27        chair of the commission.

28        **Sec. 6.** The commission may do the following:

29            (1) Educate Indiana residents and the nation about Indiana's  
 30            important role in the Lewis and Clark expedition.

31            (2) Assist local governments and organizations with planning,  
 32            preparation, and grant applications for bicentennial events  
 33            and projects.

34            (3) Coordinate state, local, and nonprofit organizations'  
 35            bicentennial activities occurring in Indiana.

36            (4) Act as a point of contact for national bicentennial  
 37            organizations wishing to distribute information to state and  
 38            local groups about grant opportunities, meetings, and national  
 39            events.

40            (5) Plan and implement appropriate events to commemorate  
 41            the bicentennial.

42            (6) Seek federal grants and philanthropic support for

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bicentennial activities.

(7) Perform other duties necessary to highlight Indiana's role in the Lewis and Clark expedition.

(8) Recommend the establishment of a nonprofit corporation under section 7 of this chapter.

(9) Transfer funds received under IC 9-18-47 and other property to a nonprofit corporation established under section 7 of this chapter.

Sec. 7. (a) The commission may recommend the establishment of a nonprofit corporation under IC 23-17 that is:

(1) tax exempt; and

(2) historically oriented;

to assist in the duties and purposes of the commission.

(b) If a corporation is established under subsection (a), the corporation shall:

(1) operate exclusively for the benefit of;

(2) perform the functions of; and

(3) carry out the purposes of;

the commission.

(c) A corporation established under this section shall submit to the commission quarterly reports of the corporation's activities during the period. The reports must include the following:

(1) A record of the following:

(A) All money or other property received by the corporation as a donation, gift, devise, or bequest.

(B) The conditions attached to the donation, gift, devise, or bequest, if any.

(2) A record of all expenditures by the corporation during the period and the purposes of each expenditure.

(3) A statement of activities the corporation anticipates undertaking during the following period.

(d) The corporation established under this section is subject to audit by the state board of accounts.

Sec. 8. The department of natural resources shall staff the commission.

Sec. 9. The expenses of the commission shall be paid from the money transferred to the commission from the Lewis and Clark bicentennial fund established by IC 9-18-47.

Sec. 10. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other

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1 expenses actually incurred in connection with the member's duties  
 2 as provided in the state policies and procedures established by the  
 3 Indiana department of administration and approved by the budget  
 4 agency.

5 (b) Each member of the commission who is a state employee but  
 6 who is not a member of the general assembly is entitled to  
 7 reimbursement for traveling expenses as provided under  
 8 IC 4-13-1-4 and other expenses actually incurred in connection  
 9 with the member's duties as provided in the state policies and  
 10 procedures established by the Indiana department of  
 11 administration and approved by the budget agency.

12 (c) Each member of the commission who is a member of the  
 13 general assembly is entitled to receive the same per diem, mileage,  
 14 and travel allowances paid to legislative members of interim study  
 15 committees established by the legislative council.

16 Sec. 11. (a) Each member of the commission who is a member  
 17 of the general assembly is a nonvoting member.

18 (b) The affirmative votes of a majority of the voting members  
 19 appointed to the commission are required for the commission to  
 20 take action on any measure, including final reports.

21 (c) A member of the commission serves at the pleasure of the  
 22 person who appointed the member.

23 Sec. 12. The commission may establish a citizen advisory board  
 24 to assist the commission in implementing this chapter. If the  
 25 commission establishes a citizen advisory board under this section,  
 26 the following apply:

27 (1) The board consists of the following members:

28 (A) Not more than seven (7) citizens appointed by the  
 29 speaker of the house of representatives.

30 (B) Not more than seven (7) citizens appointed by the  
 31 president pro tempore of the senate.

32 (C) Not more than seven (7) citizens appointed by the  
 33 governor.

34 (2) The board has the duties determined by the commission.

35 Sec. 13. (a) Money acquired by the commission is subject to  
 36 Indiana law concerning the deposit and safekeeping of public  
 37 money.

38 (b) The money of the commission and the accounts of each  
 39 officer, employee, or other person entrusted by law with the  
 40 raising, disposition, or expenditure of the money or part of the  
 41 money is subject to the following:

42 (1) Examination by the state board of accounts.

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1           **(2) The same penalties and the same provision for publicity**  
2           **that are provided by law for state money and state officers.**

3           SECTION 5. [EFFECTIVE UPON PASSAGE] P.L.7-2001 IS  
4           REPEALED.

5           SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The Lewis and**  
6           **Clark bicentennial commission established by this act is the**  
7           **successor in interest to all property, rights, contracts, liabilities,**  
8           **obligations, and duties of the Lewis and Clark bicentennial**  
9           **commission established by P.L.7-2001.**

10          **(b) A member of Lewis and Clark bicentennial commission**  
11          **established by P.L.7-2001 becomes a member of the Lewis and**  
12          **Clark bicentennial commission established by this act without**  
13          **reappointment by the appointing authority. However, the member**  
14          **continues to serve on the commission at the pleasure of the**  
15          **appointing authority.**

16          SECTION 7. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, delete "April 30, 2004," and insert "**January 1, 2005**,".

Page 5, delete lines 35 through 37.

Page 5, line 38, delete "(2) Money" and insert "**money**".

Page 5, run-in lines 34 and 38.

and when so amended that said bill do pass.

(Reference is to HB 1301 as introduced.)

PELATH, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CRAWFORD, Chair

Committee Vote: yeas 25, nays 0.

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SENATE MOTION

Madam President: I move that Senator Sipes be added as cosponsor  
of Engrossed House Bill 1301.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Transportation and Homeland Security, to which was referred House Bill No. 1301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 34, delete "or".

Page 2, line 36, after "plates);" insert "**or**".

Page 2, between lines 36 and 37, begin a new line double block indented and insert:

**"(CC) IC 9-18-48 (Riley Children's Foundation license plates);".**

Page 3, between lines 34 and 35, begin a new paragraph and insert:

**"SECTION 2. IC 9-18-48 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:**

**Chapter 48. Riley Children's Foundation License Plates**

**Sec. 1. The bureau shall design and issue a Riley Children's Foundation license plate. The Riley Children's Foundation license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.**

**Sec. 2. After January 1, 2005, a person who is eligible to register a vehicle under this title is eligible to receive a Riley Children's Foundation license plate under this chapter upon doing the following:**

- (1) Completing an application for a Riley Children's Foundation license plate.**
- (2) Paying the fees under section 3 of this chapter.**

**Sec. 3. (a) The fees for a Riley Children's Foundation license plate are as follows:**

- (1) The appropriate fee under IC 9-29-5-38(a).**
- (2) An annual fee of twenty-five dollars (\$25).**

**(b) The annual fee described in subsection (a)(2) shall be collected by the bureau.**

**(c) The annual fee described in subsection (a)(2) shall be deposited in the Riley Children's Foundation trust fund established by section 4 of this chapter.**

**Sec. 4. (a) The Riley Children's Foundation trust fund is established.**

**(b) The treasurer of state shall invest the money in the Riley Children's Foundation trust fund not currently needed to meet the obligations of the Riley Children's Foundation trust fund in the**

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same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Riley Children's Foundation trust fund. Money in the fund is continuously appropriated for the purposes of this section.

(c) The commissioner shall administer the Riley Children's Foundation trust fund. Expenses of administering the Riley Children's Foundation trust fund shall be paid from money in the Riley Children's Foundation trust fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the Riley Children's Foundation trust fund to the Riley Children's Foundation.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1301 as printed January 30, 2004.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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